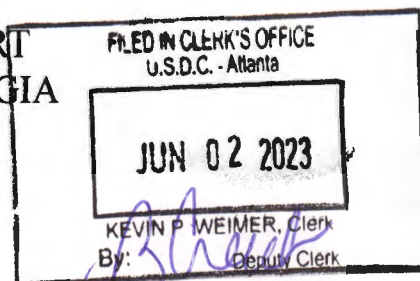


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION



UNITED STATES OF AMERICA

Plaintiff(s),

v.

BRITTANY HUDSON
KAYRICKA WORTHAM

Co-Respondent(s).

Case No.: 1-23-cr-00131-TCB-RDC

NOTICE OF SPECIAL APPEARANCE
by Affidavit;

NOTICE OF SPECIAL APPEARANCE

THIS NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSON(S), kayricka, in Propria Persona Sui Juris, a Natural Person appearing in his/her own right being of sound, mind, body, soul and spirit. (*Quaelibet Jurisdictio Cancellos Suos Habet 'Every jurisdiction has its own limits.' Jenk. Cent. Cas. 139.*), (*A Special Appearance is for the purpose of testing the sufficiency of service or the jurisdiction of the Court. State v. Huller, 23 N.M. 306, 168 P. 528, 534, 1 A.L.R. 170*)

HALE V. HENKEL 201 U.S. 43 at 89 (1906) Hale v. Henkel was decided by the United States Supreme Court in 1906. The opinion of the court states: "The "individual" may stand upon "his Constitutional Rights" as a CITIZEN. He is entitled to carry on his "private" business in his own way. "His power to contract is unlimited." He owes no duty to the State or his neighbors to divulge his business, or to open his doors to an investigation, so far as it may tend to incriminate him. He owes no duty to the State, since he receives nothing there from, beyond the protection of his life and property. "His rights" are as such as "existed" by the Law of the Land (Common Law) "long antecedent" to the organization of the

State”, and can only be taken from him by “due process of law”, and “in accordance with the Constitution.” “He owes nothing” to the public so long as he does not trespass upon their rights.

COMES NOT RESPONDENT/AFFIANT, kayricka, herin after called “Respondent”, in pro per, sui juris, NOT a pro se party with this Affidavit of Special Appearance. Respondent is appearing before this court Specially, and not Generally in Pro Per (“in one’s own proper person”), Sui Juris, regarding Case No.: 1-23-cr-00131-TCB-RDC.

This Special Appearance by Affidavit is for the purpose of challenging the courts presumption and assumption of jurisdiction.

I. CHALLENGE NEGATES JURISDICTION

By this Affidavit, Respondent challenges the subject-matter and in personam jurisdiction of this court. Therefore, this court now is **without** jurisdiction.

“This presumption that officials have done their duty is limited by the rule that a presumption cannot be based upon a mere presumption, and will not supply proof of independent, substantive facts, such as that a deficiency judgment was entered and docketed by the clerk of the court.” (*Mahoney v Boise Title & T. Co. (1926) 116 Okla 202, 244 P 170*)

Once jurisdiction is challenged, the court cannot proceed when it clearly appears that the court lacks jurisdiction, the court has no authority to reach merits, but rather, should dismiss the action. (*Melo v. US, 505 F2d 1026.*)

“Once jurisdiction is challenged it must be proven.” (*Hagans v. Levine 415 US 533 note 3*)

“No sanction can be imposed absent proof of jurisdiction.” (*Standard v. Olesen, 74 S.Ct. 768*)

“The law provides that once State/Federal Jurisdiction has been challenged, it must be proven.” (*Maine v. Thiboutot, 100 S. Ct. 2502 (1980)*)

“Therefore, it is necessary that the record present the fact establishing the jurisdiction of tribunal.”

(*Lowe v. Alexander* 15C 296; *People v. Board of Delegates of S.F. Fire Dept* 14 C 279)

II. JURISDICTION NOT WITHIN DISCRETION OF THE COURT

Respondent reminds this court that the matter of jurisdiction is not a matter within the discretion of this court.

“A court has no jurisdiction to determine its own jurisdiction, for a basic issue in any case before a tribunal is its power to act, and a court must have the authority to decide that question in the first instance.” (*Rescue Army v. Municipal Court of Los Angeles*, 171 P2d 8; 331 US 549, 91 L. ed. 1666, 67 S. Ct. 1409.)

A court “generally may not rule on the merits of a case without first determining that it has jurisdiction over the category of claim in the suit (subject-matter jurisdiction)...” (*Sinochem Int’l Co. Ltd. v. Malaysia Int’l Shipping Corp.*, 549 U.S. 422, 430-31 (2007))

III. JURISDICTION CANNOT BE WAIVED

The principles of waiver, consent, and estoppel do not apply to jurisdictional issues—the actions of the litigants cannot vest a district court with jurisdiction above the limitations provided by the Constitution and Congress.

“If the record does not show its face the facts the facts necessary to give jurisdiction, they will be presumed not to have existed.” (*Norman v. Zieber*, 3 Orat202-03)

IV. JURISDICTION CAN BE RAISED AT ANY TIME

Federal Rule 12(h)(3) states that, “If the court determines at any time that it lacks subject matter jurisdiction, the court must dismiss the action.” Fed. R. Civ. P. 12(h)(3).

“Jurisdiction can be challenged at any time.” and “Jurisdiction, once challenged, cannot be assumed and must be decided.” (*Basso v. Utah Power & Light Co.*, 495 F2d 906, 910.)

“Defense of lack of jurisdiction over the subject matter may be raised at any time, even on appeal.” (*Hill Top Developers v. Holiday Pines Service Corp.*, 478 So. 2d. 368 (Fla 2nd DCA 1985))

“The objection that a federal court lacks subject-mater jurisdiction may be raised by a party, or by a court on its own initiative, at any stage in the litigation, even after trial and the entry of judgment.” (*Arbrough v. Y & H Corp.*, 546 U.S. 500, 506 (2006) (citations omitted) (jurisdiction upheld); see also *Kontrick v. Ryan*, 540 U.S. 433, 455 (2004))

“Where the question of jurisdiction in the court of the person, the subject matter, or the place where the crime was committed can be raised, in any stage of a criminal proceeding; it is never presumed but must always be proved; and it is never waived by the respondent.” (*U.S. v. Rogers, District Court Ark*, 23 Fed 658 1855)

V. ACTS BY COURT A NULLITY

Respondent notices this court that any action taken by the court absent proof of is a **nullity**.

“A universal principle as old as law is that proceedings of a court without jurisdiction are a nullity and its judgment therein without effect either on person or property.” (*Norwood v. Renfield*, 34 C 329; *Ex parte Giambonini*, 49 P. 732.)

“Where there is absence of jurisdiction, all administrative and judicial proceedings are a nullity and confer no right, offer no protection, and afford no justification, and may be rejected upon direct collateral attack.” (*Thompson v. Tolmie*, 2 Pet. 157, 7 L.Ed. 381; *Griffith v. Frazier*, 8 Cr. 9, 3L. Ed. 471.)

“Jurisdiction is fundamental and a judgment rendered by a court that does not have jurisdiction to hear is void ab initio.” (*In Re Application of Wyatt*, 300 P. 132; *Re Cavitt*, 118 P2d 846.)

VI. RESPONDENTS' REQUEST

The Respondent reminds this court she is here by way of Special Appearance to challenge jurisdiction and to have this matter dismissed.

Whereby the Respondent request this Court to produce, in writing, the following:

1. "Inasmuch as every government is an artificial person, an abstraction, and a creature of the mind only, a government can interface only with the artificial persons. The imaginary, having neither actuality nor substance, is foreclosed from creating and attaining parity with the tangible. The legal manifestation of this is that no government, as well as any law, agency, aspect, court, etc. can concern itself with anything other than corporate, artificial persons and the contracts between them." *See. Montgomery v State 55 Fla. 97-45S0.879 a.* The Respondent who is a natural living being request this Court to produce for the record the contract between the Respondent and the Plaintiff.
2. "Inferior courts" are those whose jurisdiction is limited and special and whose proceedings are not according to the course of the common law." (*Ex Parte Kearny, 55 Cal. 212; Smith v. Andrews, 6 Cal. 652*). In brief, please explain and place on the record, is this a matter of the Court of Admiralty/Maritime, General Equity or Court of Common Law.
3. Corpus Delecti is the "body of the crime" itself. Virtually every American jurisdiction agrees it's an absolutely essential element of any crime and is consistent with the stated purpose of American Governments. "Component parts of every crime are the occurrence of a specific kind of injury or loss, somebody's criminality as source of the loss, and the accused's identity as the doer of the crime; the first two elements are what constitutes the concept of "corpus delecti" *U.S. v. Shunk, 881, F.2d 917, 919 C.A. 10 (Utah)*. Respondent request to place on the record the kind of injury or loss, Respondent's criminality as source of the loss, and the accused's identity as the doer of the crime.

4. In brief, please explain; how does this Court have personal jurisdiction and subject matter jurisdiction over the Respondent.
5. Since, this Court regularly enforces statutes created by the legislative branch of its government; to produce for the record, the physical documented 'Delegation of Authority', as Proof of Jurisdiction, as required by Law, per Article III, Section I of the United States of America Constitution.

CONCLUSION

In *Hagans v. Lavine* 415 U.S. 533 there is no discretion to ignore lack of jurisdiction. In *Joyce v. U.S.* 474 2d 215 the law provides that once State and Federal jurisdiction have been challenged it must be proven. In *Main v. Thiboutot* 100. S. Ct 2501 (1980), "Jurisdiction can be challenged at any time" and "jurisdiction, once challenged, cannot be assumed and must be decided." *Basso v. Utah Power and Light Co.* 495 F.2d 906, 910.

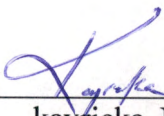
In Good Faith,



kayricka, Natural Person,
Propria Persona, without Recourse

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via in person and/or U.S.A Postal Service mail to the following: UNITED STATES DISTRICT COURT for the Northern District of Georgia, 75 Ted Turner Drive SW, Atlanta, GA 30303.

By: 
kayricka, Natural Person,
Propria Persona, without Recourse

CC:

**Steve McClain
U.S. Attorney's Office
Northern District of Georgia
75 Ted Turner Drive SW
Suite 600
Atlanta, GA 30303**

This certificate pertains to a 8 page document dealing with/entitled Notice of Special Appearance and signed on 5-25-23

Acknowledgment for an Individual

State of Georgia

County of Clayton

This record was acknowledged before me on 5-25-2023
Date

by Kayricka Wortham
Printed name of individual signing document

who is

 personally known

or

X proved to me on the basis of satisfactory evidence to be the person

who appeared before me.

C. Olivia Ricard
(signature of notary public)

Notary Public, State of Georgia

Stamp/Seal

My commission expires: 2-12-27

